

STATE BOARD OF EDUCATION
STATE OF GEORGIA

EBONI B.,	:	
	:	
Appellant,	:	
	:	CASE NO. 1994-62
vs.	:	
	:	DECISION
MUSCOGEE COUNTY	:	
BOARD OF EDUCATION,	:	
	:	
Appellee.	:	

This is an appeal by Eboni B. (Student) from a decision by the Muscogee County Board of Education (Local Board) to affirm the May 20, 1994, decision of a Student Disciplinary Tribunal to expel her for one year because she took a fork from a school cafeteria and later threatened another student. The Student claims the decision is too harsh because the other student threatened her first and she did not use the fork in a threatening manner. The Local Board's decision is sustained.

On May 15, 1994, the Student was tripped and shoved by another female student while she was entering one of her classrooms. The Student was told that the other student was planning to jump her when they got off the bus. The two students were neighbors and the other student had been calling the Student names. The Student had gone to the principal and counselor in an attempt to get her class changed so she would not come in contact with the other student, but she was told that nothing could be done. Because of the previous incidents and her feeling that the school administrators were not going to help her, the Student took a fork from the school cafeteria and put it in her pocket so she could protect herself from the other student.

Later in the day, the Student exited from her school bus and was confronted by the other student. The Student retrieved the fork from her pocket and stood with her hands at her side, but with the fork in view of the other student. When she produced the fork, the other student left the scene.

The incident was reported to the Student's principal. The principal investigated and referred the matter to a Student Disciplinary Tribunal. On May 26, 1994, the Student Disciplinary Tribunal conducted a hearing and decided to expel the Student for one year. The Local Board affirmed the Student Disciplinary Tribunal's decision when the Student appealed. The Student then filed an appeal with the State Board of Education.

"A local board of education ... is charged with the responsibility of managing the operation of its schools, and, in matters of discipline, the State Board of Education cannot substitute its judgment for the judgment of the local board. See, Boney v. County Board of Education of Telfair County, 203 Ga. 152 (1947); Braceley v. Burke County Bd. of Ed., Case No. 1978-7." Joseph M. v. Jasper Cnty. Bd. of Educ., Case No. 1981-40 (Ga. SBE, Feb. 11, 1982)

Based upon the foregoing, it is the opinion of the State Board of Education that the Local Board acted within its authority. The Local Board's decision, therefore, is SUSTAINED.

This 10th day of November, 1994.

Mr. Sessoms was not present.

Robert M. Brinson
Vice Chairman for Appeals